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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/073,122 | 02/12/2002 | Robert P. Felice | 06181-911001 | 2335 |

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EXAMINER

CEGIELNIK, URSZULA M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3712

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,122

Applicant(s) *mf*

FELICE ET AL.

Examiner

Urszula M Cegielnik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, and 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Wentz.

Wentz discloses a movable device within the toy appendage (30) that is attached to a body of the toy (col. 9, lines 40-44 and col. 12, lines 46-50); an actuator (166,168) connected to the movable device to rotate the movable device about a drive axis that is fixed relative to the body of the toy and to rotate at least a first portion (40) of the movable device relative to at least a second portion (40) of the movable device about a device axis relative to movable device (col. 5, lines 30-36) as recited in claim 1; the actuator comprises a motor (166) and a drive shaft (168) connected to motor (166) and the movable device, the drive shaft (168) defining the drive axis as claimed in claim 2; the actuator rotates movable device by causing the drive shaft (168) to rotate the movable device as claimed in claim 3; the actuator comprises a lever coupled to the at least first portion of the movable device (col. 10, lines 5-7) (crank arm) as claimed in claim 4; the actuator (166,168) rotates the at least first portion (40) of the movable device relative to the second portion (40) by causing the drive shaft to rotate the lever coupled to the moveable device (col. 10, lines 5-7) (the lever (crank arm) discussed by

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Wentz is used in conjunction with a motor to cause rotational movement for controlling the tensioning of control lines 50) as claimed in claim 5; the motor is configured to rotate the at least first portion (40) relative to at least second portion (40) in a first device direction about a device axis if the drive shaft is rotated in a first main direction about the main axis (col. 5, lines 42-46 and col. 9, lines 55-61) as claimed in claim 8; the motor is configured to rotate the at least first portion (40) relative to the at least second portion (40) in a second device direction about the device axis if the drive shaft is rotated in a second main direction about the main axis; the second device direction is opposite the first device direction and the second main direction is opposite to the second device direction (col. 5, lines 42-46 and col. 9, lines 55-61) as recited in claim 9; the at least first portion (40) and the at least second portion (40) are included in the moveable device as recited in claim 10; the main axis is different from the device axis (col. 5, lines 30-36) as claimed in claim 11; the actuator is configured to rotate the at least first portion (40) relative to the at least second portion (40) in a first device direction about the device axis if the moveable device is rotated in a first main direction about the main axis; and rotate the at least first portion (40) relative to the at least second portion (40) in a second device direction about the device axis if the movable device is rotated in a second main direction about the main axis (col. 5, lines 42-46 and col. 9, lines 55-61) as claimed in claim 12; the method steps of rotating the appendage (30) about a main axis that is fixed relative to the body of the toy; and rotating at least a first portion (40) of the appendage (30) relative to at least a second portion (40) of the appendage (30) about a device axis that is fixed relative to the appendage (col. 5, lines

42-46 and col. 9, lines 55-61) as recited in claim 13; rotating the appendage (30) comprises causing a drive shaft (168) connected to a motor (166) to rotate the appendage as recited in claim 14; rotating the at least first portion (40) of the appendage (30) relative to at least second portion (40) of the appendage comprises causing a drive shaft (168) connected to a motor (166) and defining the main axis to rotate a lever that is coupled to the at least first portion of the appendage (col. 10, lines 5-7) (the lever (crank arm) discussed by Wentz is used in conjunction with a motor to cause rotational movement for controlling the tensioning of control lines 50) as recited in claim 15; rotating the appendage (30) about the main axis occurs before rotating the at least first portion (40) relative to the at least second portion (40) (the appendage rotates for a period of time about the main axis before the first and second portions are activated via control lines 50) as claimed in claim 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wentz.

Wentz discloses the claimed invention except for a flexible strip.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a flexible strip, since the examiner takes Official Notice

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of the equivalence of a flexible strip and a spring for their use in the segment/joint connection art and the selection of any of these shown equivalents to would be within the level of ordinary skill in the art.

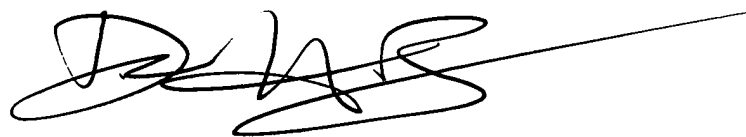
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 6:45AM - 3:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik
Assistant Examiner
Art Unit 3712

A handwritten signature in black ink, appearing to read 'DHB', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700